



PRESS RELEASE

Attorney General Frosh Issues Advisory Affirming Public Sector Workers' Rights in the Wake of U.S. Supreme Court Ruling in *Janus v. AFSCME*

BALTIMORE, MD (July 23, 2018) – Maryland Attorney General today issued an [advisory](#) reaffirming public employee rights and employer obligations under state law in response to the U.S. Supreme Court's recent ruling in *Janus v. AFSCME Council 31*. In the 5 to 4 ruling, the Court overturned decades of law and practice relating to the right of a union to require the payment of fair-share agency fees from public-sector unions that serve teachers, police, firefighters, and other public employees.

Not surprisingly, the decision has generated confusion about the rights of Maryland's public-sector workers under Maryland's labor and collective bargaining laws. In *Janus*, the Supreme Court held that public employees who choose not to join a union may no longer be compelled to pay fair-share agency fees to their exclusive bargaining representative absent the employee's affirmative consent. However, the Supreme Court's ruling does not change the existing rights of public employees under Maryland's labor and collective bargaining laws or the relationship between public-sector unions and their members.

The purpose of the Attorney General's guidance is to summarize the effect of the *Janus* decision and to reiterate the existing protections for public-sector workers in Maryland. For example, eligible State government employees covered by the State Labor Relations Act (including eligible employees of State colleges and universities) have the right, among other things, to:

- Form, join, support, or participate in any employee organization;
- Be fairly represented by their exclusive representative in collective bargaining;
- Engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection;
- Be free from employer interference, restraint, or coercion in the exercise of their rights under Title 3 of the State Personnel & Pensions Article, as well as to be free from other unfair labor practices.

The First Amendment also provides public sector employees with the right to freely associate—including the right to form, join, and belong to unions, and to discuss the advantages of joining. This right is separate and distinct from Maryland's collective bargaining laws, and provides an additional layer of protection for public-sector employees who wish to engage in lawful union activity.

Resources:

The State of Maryland has three labor relations boards that resolve disputes arising under the State's collective bargaining laws :

- The [State Labor Relations Board](#) has jurisdiction over the principal departments within the Executive Branch and various other agencies and departments.
- The [State Higher Education Labor Relations Board](#) has jurisdiction over Maryland's institutions of higher education, including the constituent institutions of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College.
- The [Public School Labor Relations Board](#) has jurisdiction over county boards of education and the Baltimore City Board of School Commissioners.